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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,629	09/15/2003	Thomas J. Jentsch	2815-0236P	9386
2292	7590	02/20/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			BALLARD, KIMBERLY A	
		ART UNIT	PAPER NUMBER	
		1649		
SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE		DELIVERY MODE	
30 DAYS	02/20/2007		ELECTRONIC	

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/661,629 09/15/2003 Thomas J. Jentsch 2815-023GP

EXAMINER

BALLARD, KIMBERLY

ART UNIT	PAPER
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1649 20070205

DATE MAILED:

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Commissioner for Patents

The amendment filed on December 28, 2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claim is not readable on the elected invention because it is drawn to a nucleic acid, which is an invention non-elected in response to the restriction requirement mailed June 26, 2006, and which is independent or distinct from the elected invention directed to an isolated polypeptide.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

*Elizabeth C. Kemmerer*

ELIZABETH KEMMERER  
PRIMARY EXAMINER

Kimberly Ballard, Ph.D.  
February 5, 2007